

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30255 of 2023

Arising Out of PS. Case No.-113 Year-2017 Thana- ARA NAWADA District- Bhojpur

Jai Kishore Singh Son of Late Parashuram Singh, Resident of Vill.- Mahuli,
P.S.- Ara Mufassil, District – Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ravi Kumar @ Ravi Kumar Singh @ Ravi Singh Son of Vishwanath Singh @ Kishwanath Singh Resident of Mohalla - Maharana Pratap Nagar, Ara, P.S.- Ara Nawada, District - Bhojpur at Ara.
3. Ran Vijay Singh @ Ram Vijay Singh Son of Baban Singh Resident of Mohalla - Maharana Pratap Nagar, Ara, P.S.- Ara Nawada, District - Bhojpur at Ara.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 09-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This Cr. Misc. petition has been filed to cancel the bail of the O.P. Nos.2 & 3 which was granted by Co-ordinate Bench of this Court *vide* order dated 07.08.2017 passed in Cr. Misc. No.31607 of 2017, arising out of Ara Nawada P.S. Case No.113 of 2017.

3. Learned counsel for the petitioner submits that the order granting bail to O.P. Nos.2 & 3 suffers from serious infirmity inasmuch as the opposite parties had deliberately concealed their three criminal antecedents at the time of their



bail application. He further submits that the concealment was material and had the potential to mislead the Court, thereby vitiating the satisfaction recorded while enlarging the accused on bail. Learned counsel submits that suppression of criminal history is sufficient ground for cancellation of bail, as it reflects lack of *bona fide* and renders the accused undeserving of the discretionary relief. Learned counsel, therefore, prayed that the bail granted earlier be cancelled and the opposite parties be taken into custody.

4. Learned A.P.P. for the State opposed and submitted that the learned Court concerned, by considering all facts and circumstances, passed the bail order on merit. He further submits that from perusal of impugned order dated 07.08.2017, it appears that the Co-ordinate Bench of this Court after hearing the parties including the petitioner and considering the fact that allegation of assault is on three persons and only two injuries were found on the person of informant and also considering the period of judicial custody alongwith no criminal antecedent, the O.P. Nos.2 & 3 were granted regular bail with four conditions. In the present case, the statement of no criminal antecedent of the O.P. Nos.2 & 3 was not only the main consideration for grant of regular bail to O.P. Nos.2 & 3. It is further submitted



that the order of bail to O.P. Nos.2 & 3 is not unjustified or illegal or perverse which requires interference by this Court at this stage. It is submitted that criminal antecedent by themselves cannot constitute a ground for denial of bail, even assuming that the opposite parties failed to disclose certain cases, the same, by itself without demonstration of prejudice to administration of justice, cannot be treated as a ground sufficient for cancellation of bail. Therefore, no case is made out by the petitioner to cancel the bail of the O.P. Nos.2 & 3.

5. Law is well-settled that cancellation of bail requires a demonstrable instance of misuse of liberty, such as tampering with the evidence, threatening witnesses, or obstructing the investigation, none of which has been substantiated in the present case. In absence any cogent, proof of such abuse, the settled principle of law mandates that the bail order ought not be interfered with. Moreover, it is well settled that if the accused makes out a *prima facie* case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail.

6. Considering the facts and circumstances of the case and submissions made by learned counsel for the parties, no case is made out for cancellation of bail of O.P. Nos.2 & 3 at



this stage.

7. Accordingly, the present Cr. Misc. petition stands dismissed.

(Sunil Dutta Mishra, J)

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